

S. C., alleging that the article had been shipped in interstate commerce on or about September 17, 1937, and February 5, 1938, from Atlanta, Ga., by W. H. Reed & Co., Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part variously: "Master Pak"; "Three Flyers"; or "Nu-Pak."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the statements, (on all brands) "For the Prevention of Disease" and (Master Pak) "Guaranteed for 5 years," borne on the labels, were false and misleading.

On March 31 and April 16, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28746. Misbranding of Dr. Sharpsteen's Vegetable Hindoo Oil, Dr. Sharpsteen's Vegetable Tablets, and Dr. Sharpsteen's Hindoo Salve. U. S. v. Verne Sharpsteen (Drs. H. & V. Sharpsteen). Plea of guilty. Fine, \$500. (F. & D. No. 39799. Sample Nos. 14650-C, 14651-C, 14652-C.)**

These products were misbranded because of false and fraudulent curative and therapeutic claims on the label. The Hindoo Oil was misbranded further because of the false and misleading implication that it had been examined and approved by a Government agency and that it was of Hindu origin, and the Vegetable Tablets were misbranded further because of the false and misleading implication that they had been examined and approved by a Government agency and that they consisted of substances used as foods.

On November 30, 1937, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Verne Sharpsteen, trading as Drs. H. & V. Sharpsteen, at Marshall, Mich., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about January 26, and February 27, 1937, from the State of Michigan into the State of Ohio of quantities of the hereinafter-described drug preparations which were misbranded. The articles were labeled in part: "Drs. H. & V. Sharpsteen, Marshall, Michigan."

Analysis of the Hindoo Oil showed that it consisted essentially of chloroform (15 percent by volume), saponifiable oils, and volatile oils including oil of sassafras, oil of cloves, menthol, and camphoraceous material. The vegetable tablets were of four kinds. Analysis showed that: (1) The brown-coated ones consisted essentially of ferrous carbonate, potassium and sodium sulphate, calcium carbonate, and plant drugs including a strychnine-bearing drug and a laxative plant drug; (2) the white-coated, of magnesium carbonate, calcium carbonate, and plant drugs including a strychnine-bearing drug and a laxative plant drug; (3) the red-coated, of ferrous, magnesium, and calcium carbonates and plant drugs including quinine and a laxative plant drug; and (4) the brown uncoated ones, of calcium carbonate and plant drugs including a laxative plant drug. Analysis of the Hindoo Salve showed that it consisted essentially of small quantities of chloroform and volatile oils, including oil of sassafras and oil of cloves, incorporated in a fatty base.

All the articles were alleged to be misbranded in that certain statements in the labeling, regarding their therapeutic and curative effects, falsely and fraudulently represented: In the case of the Hindoo Oil, that it was effective to alleviate the pain of dyspepsia, appendicitis, colic, stitch or lame back, gallstones, dropsy, rheumatism, la grippe, coughs, burns, all forms of inflammation, stomach worms, pinworms, fistula, piles, nasal catarrh, consumption, salt rheum, eczema, and the collection of gas in the stomach and bowels with pressure around the body; to enliven the skin and contraction of the flesh and to effect a quick change in moisture, warmth, and life to the soles of the feet and body; to produce quick action of the glands, especially the urinary glands; to soothe and alleviate (a) cramps at any place in the human body where they are not easily controlled and (b) pain in all portions of the human system, even to the soles of the feet; to alleviate dryness of the skin of the feet when due to poor blood circulation; to stimulate a glowing warmth in a condition of spleen chilliness after retiring at night; to cure, by removing, tapeworms, stomach worms, and pinworms; to soothe the heart, bronchial tickling, bowels, headache of the forehead and crown of the head; to alleviate darting pains, neuralgia of the eye, ear, face, teeth, gatherings in the head, la grippe, coughs, weak lungs, and whispery voice; to relieve pneumonia, rheumatism, toothache, ulcerated

teeth, and sore or "long-feeling" teeth; to soothe and alleviate appendicitis and dyspepsia; to equalize circulation of the blood and bodily warmth; to cure, by removing, tapeworms, stomach worms; to penetrate to the bone when well rubbed; to relieve instantly the most excruciating pains from influenza and la grippe, attacks of the neck, crown of the head, eye ache, earache, cheek ache; to prevent the forming of ulcers at the juncture of the nose and ear duct; to relieve gathering in the head, rheumatism, neuralgia, headache, toothache, ulcers at the roots of the teeth; to relieve pains of the neck, eyes, ear, temple, teeth, ulcers in head or ear duct; to absorb the gaseous collections and reduce the inflammation in appendicitis, colic, cholera morbus, bloating after dinner, and damming of the bowels; to "conquer, when used in unison" with other medicines manufactured by the defendant, bad kidneys, backache, stitch in the back, lame hips, knees, feet, and toes, swollen hands and feet, gallstones, gravel in the bladder, diabetes, Bright's disease, dropsy of chest, heart, and bowels; to accomplish the purposes of liniments, balms, and ointments when applied in cases of pneumonia, croup, quinsy, pleurisy, backache, stitch, and even most cases involving physical pains; to cause skin poisons, sores, swellings, pimples, blotches, and blackheads to disappear when used in conjunction with the use of the defendant's Vegetable Complexion Soap, and also to cause roughness of the skin, apparently growths, oozing out on the scalp or any portion of the body, to disappear; and to effect quick action of the glands, and especially of the urinary glands, when used in bathing the neck, the navel, the knees, the ankles, and the feet; to alleviate the pains of severe cramping and bloating of the stomach and bowels. In the case of the Vegetable Tablets, that they were effective to give quick relief when administered in the treatment of stomach, liver, spleen, and blood diseases, swollen tonsils, tonsillitis, catarrh, bronchitis, asthma, pneumonia, weak, palpating heart; to cure the worst coughs and also the worst cases of dyspepsia; to be alleviative of muscular, sciatic, and inflammatory rheumatism; to afford relief when used in the treatment of bloating of the stomach and bowels, and of disorders and diseases of the spleen, kidneys, and liver; to "afford" food to the blood and to cleanse the glands; to relieve indigestion, dyspepsia, nervousness, rheumatism, heart palpitation or skipping, spleen and liver sickness, kidney troubles, eczema, erysipelas, gallstone of the liver, gravel from the bladder, la grippe, colds which affect the eye, ear, teeth, face, neck, bloating after eating, piles, sicknesses of the spleen, liver, and lungs; effective to relieve phlegm "raising" in one day; and (in the case of the article contained in carton no. 4), to cure jaundiced complexion; to afford comfort to persons afflicted with organic, glandular, and bodily sicknesses; to produce strong, natural secretions of the spleen, "pancreat conductions," liver, heart and stomach; to activate strongly the digestive and circulatory systems and thereby so affect the surface or pores of the skin as to afford a clear, fresh countenance to consumers of the article; to alleviate the discouragement of persons who have become overanxious for the quietness of their overtaxed nervous system. In the case of the Hindoo Salve that it was effective to afford instant relief and to effect a quick cure when used in the treatment of pneumonia, lung fever, membranous or common croup, quinsy, caked or agued female breasts, sore mammary gland nipples, blind piles, external piles, and all ailments which any salve could affect curatively and therapeutically; to instantly penetrate the skin and flesh to the seat of any disorder or disease that could be medicated through the use of any salve; to quickly and thoroughly cleanse and heal all painful inflammations, and all forms of sores or ulcers, internally or externally; to instantly remove pain due to a granular condition of the eye, and to prevent a spreading of such condition; to rid the throat and mouth of ulcers; to cure inflammation of the stomach, lungs, kidneys, spleen, liver, appendix, and bladder; to prevent apoplexy and paralysis; to prevent the blistering that would otherwise follow a burning or scalding of the skin or flesh; to remove the pain due to burns and scalds and to form new skin over burned or scalded surfaces of the body; to quickly reduce blind or external piles; to cure frosted flesh or frozen feet; to alleviate the condition due to corns or ingrowing toe nails, blisters, or eczema.

The Hindoo Oil was alleged to be misbranded further in that the statement "Vegetable Hindoo Oil," borne on the label, was false and misleading in that it represented that the article had been made pursuant to a formula originating in India. It was alleged to be misbranded further in that the statements, "Drs.

H. & V. Sharpsteen's Registered Guaranty Complies with the Food and Drugs Act of June 30, 1906, serial No. 7923," on the bottle label and similar statements on the cartons and in a circular, were false and misleading in that they implied that a Government agency had ascertained and determined, after an investigation thereof, that the article was in compliance with the provisions of the Food and Drugs Act; whereas such was not the fact. It was alleged to be misbranded further in that the statement on the label, "1 oz. chloroform to 14 oz. of oils," was false and misleading since it implied that only 6.6 percent by volume of the article consisted of chloroform; whereas there was present in the article 15 percent by volume of chloroform.

The Vegetable Tablets were alleged to be misbranded further in that the statements, "We, the undersigned, do hereby guarantee that the articles of Foods or Drugs manufactured, packed or sold by us, Dr. Sharpsteen's Family Medicines, are not adulterated or misbranded within the meaning of the Pure Food and Drug Act of June 30, 1906. Serial No. 7923," borne on the large cartons, and similar statements borne on the small cartons and in a circular, were false and misleading in that they implied that a Government agency had ascertained and determined after investigation and examination of the article, that it was in compliance with the Food and Drugs Act; whereas such was not the case. It was alleged to be misbranded further in that the statement, "Vegetable Tablets Composed of Fruits, Roots, Herbs and Seeds That are a Blood Food and Gland Cleanser," was false and misleading in that it represented that the article was composed of substances ordinarily used for human food; whereas the article contained substances that are not used as human food.

On December 9, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$500.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28747. Adulteration and misbranding of hydrogen peroxide. U. S. v. 452 Bottles of Hydrogen Peroxide. Default decree of condemnation and destruction. (F. & D. No. 41738. Sample No. 1198-D.)**

This product fell below its declared strength of 3 percent hydrogen peroxide, the samples examined having averaged approximately 1.67 percent thereof.

On February 17, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 452 bottles of hydrogen peroxide at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about October 28, 1937, from Pittsburgh, Pa., by the Pennsylvania Drug Products Corporation, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Hydrogen Peroxide \* \* \* 3% H<sub>2</sub>O<sub>2</sub> \* \* \* Manufactured by Exserco Products, Pittsburgh, Pa."

It was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "3% H<sub>2</sub>O<sub>2</sub>," since it contained less than 3 percent of hydrogen peroxide.

The article was alleged to be misbranded in that the statement on the label, "3% H<sub>2</sub>O<sub>2</sub>," was false and misleading and in that another statement on the label, "Hydrogen Peroxide," represented that the article was a solution of hydrogen peroxide, a drug recognized in the United States Pharmacopoeia containing not less than 2.5 grams of hydrogen peroxide per 100 cubic centimeters; whereas it was not such a preparation.

On April 11, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28748. Misbranding of Kroup Monia Salve, Kroup Monia Cough Syrup, Red Oil Liniment, and Aspirin. U. S. v. 27 Bottles of Kroup Monia Salve, et al. Decree of condemnation and destruction. (F. & D. Nos. 39334 to 39337, incl. Sample Nos. 34331-C, 34516-C, 34532-C, 34533-C.)**

The cough syrup contained less chloroform than declared on the label; and the labeling of the remaining products bore false and fraudulent curative and therapeutic claims.

On April 26, 1937, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the